

1 for DPAC

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>		Docket Number (Optional)
<div style="display: flex; justify-content: space-between;"><div>First Named Inventor: <u>Chetan Shah et al.</u></div><div>Art Unit: <u>3629</u></div></div> <div style="display: flex; justify-content: space-between;"><div>Application Number: <u>09/757, 322</u></div><div>Examiner: <u>Jonathan Ouelette</u></div></div> <div>Filed: <u>January 9, 2001</u></div> <div style="margin-top: 10px;"><div style="display: flex;"><div style="width: 100px;">Title:</div><div style="border: 1px solid black; padding: 5px; min-height: 40px;"><p style="margin: 0;">The Employment Recruiting System</p></div></div></div>		
<p>Attention: Office of Petitions <b>Mail Stop Petition</b> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p style="text-align: center; margin-top: 20px;">NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p> <p style="text-align: center; margin-top: 20px;"><b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.</b></p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"><li>(1) Petition fee.</li><li>(2) Reply and/or issue fee.</li><li>(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and</li><li>(4) Adequate showing of the cause of unavoidable delay.</li></ul> <div style="margin-top: 10px;"><p>1. Petition fee</p><div style="display: flex; align-items: flex-start;"><div style="width: 40px;"><input checked="" type="checkbox"/></div><div>Small entity – fee \$ <u>270.00</u> (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.</div></div><div style="margin-top: 10px;"><div style="width: 40px;"><input type="checkbox"/></div><div>Other than small entity – fee \$ _____ (37 CFR 1.17(l)).</div></div></div> <div style="margin-top: 10px;"><p>2. Reply and/or fee</p><div style="margin-left: 20px;"><p>A The reply and/or fee to the above-noted Office action in the form of <u>Reply to board decision</u> (identify the type of reply):</p><div style="margin-left: 20px;"><div style="display: flex; align-items: center;"><div style="width: 40px;"><input type="checkbox"/></div><div>has been filed previously on _____</div></div><div style="margin-top: 5px;"><div style="width: 40px;"><input checked="" type="checkbox"/></div><div>is enclosed herewith.</div></div></div><div style="margin-top: 20px;"><p>B The issue fee of \$ _____</p><div style="margin-left: 20px;"><div style="display: flex; align-items: center;"><div style="width: 40px;"><input type="checkbox"/></div><div>has been filed previously on _____</div></div><div style="margin-top: 5px;"><div style="width: 40px;"><input type="checkbox"/></div><div>is enclosed herewith.</div></div></div></div></div></div>		

10/24/2008 MGE BREN1 00000056 09757322  
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# **PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

## **3. Terminal disclaimer with disclaimer fee**

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

- 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**

## **WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Chetan Shah



10/20/08

Signature \*

Date

Chetan Shah

Typed or printed name

c/o Northwest Software, Inc

Address

PO Box 91396, Portland, OR 97291-0396

Address

Registration Number, if applicable

503-629-5947

Telephone Number

Enclosure ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unavoidable delay☐

## **CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

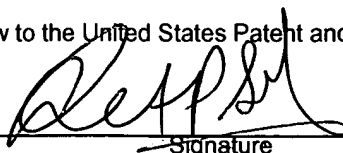
I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

10-22-2008

Date



Signature

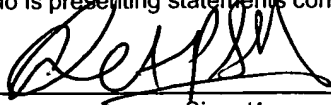
Chetan Shah

Typed or printed name of person signing certificate

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

10/20/2008

Date

Chetan Shah

Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

1. I am the first and primary inventor. Due to a surgery I was in disability for an extended period of time (see attached payments of disability by insurance company). I had a life-threatening reaction to the surgery that required that I be rushed to the hospital.

2. There are pending claims allowed in the Board Decision rendered on April 28, 2008. Our attorney of record at the time emailed me on June 2, 2008: The case will be returned to the examiner and we should receive an Office action to amend the allowed claims but that is somewhere in the future." We never received any such office action.

3. On June 23, 2008 the attorney of record filed a request to withdraw as attorney or agent of record. The attorney stated that "You have failed to pay one or more bills". This reason is misleading as our understanding is for a fixed-fee arrangement after the patent process is completed. I was therefore surprised that the USPTO approved on 9/8/2008 the attorney's request to withdraw as our attorney without giving us the opportunity to respond or consider our evidence.

Given the above unavoidable circumstances, we would appreciate if the Notice of Abandonment may be withdrawn and the patent application filed on January 9, 2001 is revived soon. Thank you for your consideration.

(Please attach additional sheets if additional space is needed.)



## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

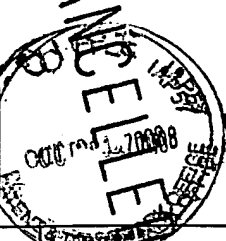
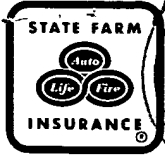
1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# WAGE LOSS CALCULATION WORKSHEET

<b>CLAIM NUMBER</b>	37-3849-025	<b>CLAIM REPRESENTATIVE</b>	Oregon Claim Team 4 ext 44
<b>DATE OF LOSS</b>	2/19/2008	<b>OFFICE ADDRESS</b>	PO Box 221, Dupont, Washington 98327 United States
<b>INJURED PARTY</b>	CHETAN P. SHAH	<b>PHONE</b>	
<b>EMPLOYER</b>	Self-employed		
<b>WORKSHEET TYPE</b>	Oregon Version1		

(1)	<b>Days Worked Per Week:</b>	7
(2)	<b>Hours Worked Per Week:</b>	0
(3)	<b>Verified Period Out of Work:</b>	
	<b>From:</b>	4/19/2008
	<b>To:</b>	5/8/2008
	<b>Days Lost This Period:</b>	20
	<b>Hours Lost This Period:</b>	
	<b>Overtime Hours Lost This Period:</b>	
(4)	<b>Wages:</b>	
	<b>Daily Wage:</b>	574.45
	<b>Hourly Wage:</b>	
	<b>Overtime Wage:</b>	
	<b>Or:</b>	
	<b>Yearly Wage:</b>	
	<b>Weeks Worked Per Year:</b>	52
	<b>Calculated Daily Wage:</b>	0.00
	<b>Calculated Hourly Wage:</b>	0.00
(5)	<b>Gross Lost Wages this Period:</b>	11,489.00
(6)	<b>Gross Lost Wages this Period X 70%:</b>	8,042.30
(7)	<b>Monthly Limit of Coverage for Wage Loss:</b>	1250.00
(8)	<b>Monthly Limit Remaining:</b>	1250.00
(9)	<b>Amount Due for Lost Wages (Lesser of Line 6 and Line 8):</b>	1,250.00
(10)	<b>Wage Amount Exceeding Benefit Limit:</b>	0.00
	<b>Comments:</b>	

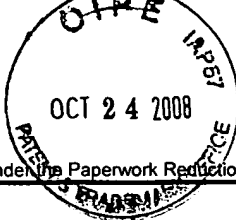


# WAGE LOSS CALCULATION WORKSHEET

CLAIM NUMBER	37-3849-025	CLAIM REPRESENTATIVE	Oregon Claim Team 4 ext 44
DATE OF LOSS	2/19/2008	OFFICE ADDRESS	PO Box 221, Dupont, Washington 98327 United States
INJURED PARTY	CHETAN P. SHAH	PHONE	
EMPLOYER	Self-employed		
WORKSHEET TYPE	Oregon Version1.		



(1) Days Worked Per Week:	7
(2) Hours Worked Per Week:	0
(3) Verified Period Out of Work:	
From:	5/19/2008
To:	7/18/2008
Days Lost This Period:	7
Hours Lost This Period:	
Overtime Hours Lost This Period:	
(4) Wages:	
Daily Wage:	574.45
Hourly Wage:	
Overtime Wage:	
Or:	
Yearly Wage:	
Weeks Worked Per Year:	52
Calculated Daily Wage:	0.00
Calculated Hourly Wage:	0.00
(5) Gross Lost Wages this Period:	4,021.15
(6) Gross Lost Wages this Period X 70%:	2,814.81
(7) Monthly Limit of Coverage for Wage Loss:	1250.00
(8) Monthly Limit Remaining:	2500.00
(9) Amount Due for Lost Wages (Lesser of Line 6 and Line 8):	2,500.00
(10) Wage Amount Exceeding Benefit Limit:	0.00
Comments:	



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: CHETAN SHAHApplication No./Patent No.: 09/757,322 Filed/Issue Date: January 9, 2001

Entitled:

NORTHWEST SOFTWARE, INC. a CORPORATION  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

CHETAN SHAH

Printed or Typed Name

VICE-PRESIDENT

Title

OCTOBER 20, 2008

Date

503-629-5947

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## Privacy Act Statement

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.





*The help you need*

**Northwest Software, Inc.**

1800 NW 169th Place, Suite 150-B  
Beaverton, OR 97006 USA

Phone 503-629-0303

Fax 503-645-5892

www.nwsi.com

October 20, 2008

To: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RE: Application No. 09/757, 322; Filing date: January 9, 2001

1. Statement Under 37 CFR 3.73(b)
2. Petition for Revival of an application for Patent Abandoned Unavoidably
3. Change of Address

Dear Commissioner,

Enclosed please find the following documents:

1. "Statement Under 37 CFR 3.73(b)" to establish that Northwest Software, Inc. is the assignee of the entire right, title and interest. Please refer to the submitted assignment document filed previously for recordation on January 9, 2001 at the time of our original patent application.

2. Petition for Revival of an Application for Patent Abandoned Unavoidably under CFR 1.137(a) and a check in the amount of \$270.00 for the small entity fee. The following documents are attached in support of the petition:

Reply to board decision in the form of amended claims, made on the basis of Mr. Jonathan Ouellette's email dated October 15, 2008;

Proof of unavoidable circumstance: Disability Payment to the undersigned 4/19/2008 through 7/18/2008 (please note that surgeon's chart notes and evidence of admittance in emergency due to post-surgery complication is available upon request);

Email from attorney who erroneously informed us that we should receive an Office action to amend the allowed claims; instead we received a notice of abandonment;

3. Change of Address: Please make note of the following addresses and telephone numbers for further communication:

Assignee:

Northwest Software, Inc.  
Attention: Chetan Shah, VP  
PO Box 91396  
Portland, OR 97291-0396  
Tel: 503-629-5947

First Inventor:

Chetan Shah  
602 SW 68<sup>th</sup> Terrace  
Portland, OR 97225  
Tel: 503-206-8484



*The help you need*



**Northwest Software, Inc.**

1800 NW 169th Place, Suite 150-B  
Beaverton, OR 97006 USA

Phone 503-629-0303

Fax 503-645-5892

[www.nwsi.com](http://www.nwsi.com)

Should you have any questions, please feel free to contact me.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Chetan Shah", written over a horizontal line.

Chetan Shah -  
Vice-President

Attachments:

1. Statement Under 37 CFR 3.73(b)
2. Petition for Revival of an application for Patent Abandoned Unavoidably under 37 CFR 1.137(a)
3. Check in the amount of \$270



from Tim Long <tal@chernofflaw.com>  
to Chetan Shah <chetanpshah@gmail.com>  
cc David Silverman <dsilverman@chernofflaw.com>  
date Mon, Jun 2, 2008 at 2:20 PM  
subject Patent Application - EMPLOYMENT RECRUITING SYSTEM - Our file:8003.0001  
mailed-by chernofflaw.com

Dear Chetan:

I am sorry to hear about your surgery and hope you are doing well.

In the appeal the examiner's rejection of claims 1, 2, 6-10 and 15-20 was upheld and the Board of Appeals rejected claims 7-10, 19 and 20 on a new ground. Rehearing of these decisions must be instituted by 06/28/2008 and it is not possible to obtain an extension.

\* [ The case will be returned to the examiner and we should receive an Office action to  
amend the allowed claims but that is somewhere in the future. ] \*

I would be happy to meet with you when you return, but I cannot do more work on the file or incur any additional expense unless we receive payment for the work that we have already done. I can provide you with wire transfer instructions. We will consider a payment plan but we must have an initial payment before doing more work.

Please let me have your earliest reply.

Regards,

Tim A. Long